



CONNECTICUT  
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Committee Bill 5192  
Public Hearing 2-5-15

TO: MEMBERS INSURANCE AND REAL ESTATE COMMITTEE  
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION  
DATE: FEBRUARY 5, 2015

RE: **OPPOSITION OF COMMITTEE BILL 5192 – AN ACT CONCERNING THE RECOUPMENT OF  
NONECONOMIC DAMAGES BY AN ILLEGALLY UNINSURED MOTORIST**

The Connecticut Trial Lawyers Association ("CTLA") opposes Committee Bill 5192, "An Act Concerning the Recoupment of Noneconomic Damages by an Illegally Uninsured Motorist".

Driving without insurance is a crime which is, and should be, prosecuted vigorously.

**C.G.S. Section 14-213b – Operating without Insurance**

- A fine of between \$100 and \$1,000.
- If commercial vehicle, Class D Felony (fine of up to \$5,000 and imprisonment up to five years or both.
- DMV license suspension for one month for first offense and six months for subsequent offenses.
- License not reinstated until demonstrate proof of insurance

**C.G.S. Section 38a-371 – Failure to Maintain Insurance on Private Vehicle**

- Class C Misdemeanor – Fine up to \$500 or imprisonment up to 3 months or both.

**C.G.S. Section 14-12g – Suspension of Registration**

- Insurers notify DMV all insurance cancellations pursuant to C.G.S. Section 38a-343 and DMV suspends the registration and then may suspend driver's license.

If there is a concern amongst the legislature that the above referenced penalties are inadequate to deter and to punish, the CTLA would encourage the legislature to increase the penalty.

However, the CTLA opposes Committee Bill No. 5192 which allows people who cause motor vehicle accidents to escape responsibility for their actions. Under present law, persons who cause accidents are responsible for paying the innocent driver for their economic and noneconomic damages. This bill, would excuse a person from the responsibility to pay noneconomic damages where the car they happened to strike was uninsured.

This bill sends the wrong message to persons who drive and break our laws. It tells the teenager who texts and drives that they are not fully responsible for their actions if they hit an uninsured car. It tells drunken drivers that they are not fully responsible if their victim happens to be in an uninsured vehicle. It tells the driver who speeds that they may get a break.

It is just bad policy to be telling negligent and reckless drivers that they can avoid responsibility when they strike an uninsured vehicle. If we want to reduce the number of uninsured vehicles, we should work together by strengthening the criminal penalties.

**WE RESPECTFULLY URGE YOU TO OPPOSE COMMITTEE BILL 5192**